REMARKS

Claims 1-3 and 5 are all the claims pending in the application.

Claims 1-3 and 5 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mori et al., WO 03/014174, in view of Li Ming, Chinese Patent No. 1336390 ("Li Ming").

WO 03/014174 ("Mori") published on February 20, 2003 and is only § 102(a) prior art to the present invention.

Applicant submits herewith a sworn English-language translation of his foreign priority document JP 2003-000895 to perfect his claim to priority and remove Mori as prior art relative to claims 1-3 and 5 of the present application. Mori has a publication date of February 20, 2003, which is later in time than Applicants' priority date of January 7, 2003. Applicants submit that priority document JP 2003-000895 supports the pending claims as shown below:

Claim	Support in priority document JP 2003-000895
1	Claim 1 at page 1, claim 4 at page 2, page 15, lines 5-8 and lines 21-23
2	Claim 2 at page 2
3	Claim 3 at page 2
5	Page 6, line 24 to page 7, line 1

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-3 and 5 under 35 U.S.C. § 103 based on Mori in view of Li Ming.

Claims 1-3 and 5 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oi et al., EP 1 197 501 ("Oi") in view of Rodriguez et al., U.S. Patent No. 6,221,967 ("Rodriguez").

To establish *prima facie* obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art must teach or suggest all the claim limitations.

Independent claim 1 is directed to a process for producing a modified ethylene-vinylcyclohexane copolymer resin which comprises a step of blending the components (A) to (C) to produce a blend and melt-kneading the blend for 0.5 to 5 minutes.

Applicants submit that the process of producing a modified ethylene-vinylcyclohexane copolymer resin according to claim 1 would not have been obvious based on Oi and Rodriguez because those references fail to teach or suggest all the claim limitations.

Oi does not disclose or suggest a melt-kneading period of time of "0.5 to 5 minutes" in step (2) of Applicants' claim 1.

Rodriguez does not make up for the deficiencies in Oi.

Rodriguez discloses the following about a time of said graft reaction:

> The longer the time that the polyolefin is subjected to the reaction temperature, namely the preferred temperature of 180-220°C, the greater will be the amount of grafted ethylenically unsaturated monomer, without further degrading the molecular weight of the polyolefin" (column 8, lines 54-58) (emphasis added)

Rodriguez further discloses that the reaction proceeds, for example, by melting and stirring at 50 rpm for 15 minutes, raising the temperature slowly and stirring for an additional 15 minutes (Example, column 16, lines 31-33), which is longer than the melt-kneading time of 0.5 to 5 minutes, as claimed in the present invention. Additionally, the graft reaction times specifically disclosed in other Examples of Rodriguez also have longer reaction times than the claimed melt-kneading time of 0.5 to 5 minutes.

As previously stated, Applicants maintain that the disclosure of a range does not constitute a specific disclosure of the endpoints of that range. *See*, *Atofina v. Great Lakes Chem. Corp.*, 441 F.3d 991, 1000 (Fed. Cir. 2006). According to the Federal Circuit, "[t]he disclosure is only that of a range, ... and the disclosure of a range is no more a disclosure of the end points of the range than it is of each of the intermediate points." *Id.* Thus, the claimed melt kneading period of 0.5 to 5 minutes is different from and not anticipated or rendered obvious by the reaction times disclosed in Oi or Rodriguez.

The Examiner asserts that Applicants' reliance on *Atofina v. Great Lakes Chem. Corp.* is misplaced. The Examiner asserts that a single disclosed process time in an example of a process necessarily encompasses all lesser time values as it is not possible to reach a higher value of process time without passing through the lower values of time. Therefore, the Examiner concludes that the reaction time of 15 minutes disclosed in Rodriguez necessarily requires a reaction time of 5 minutes (as well as all times of less than 5 minutes) prior to reach a time of 15 minutes.

Applicants disagree with the Examiner's assertion and maintain that their reliance on *Atofina v. Great Lakes Chem. Corp.* is not at all misplaced . In Applicants' claim 1, the melt-kneading period is in a range of 0.5 to 5 minutes. In Rodriguez, the total reaction time is 30 minutes (15 minutes and then an additional 15 minutes) and the reaction in Rodriguez proceeds for at least 15 minutes, but not less than 15 minutes. Thus, the reaction time disclosed in Rodriguez does not anticipate or render obvious Applicants' claimed melt-kneading time of 0.5 to 5 minutes.

In addition, when a claim is rejected under 35 U.S.C. § 103 over a combination of a primary reference and a secondary reference, an Applicants can overcome the rejection by submitting experimental data comparing the claimed embodiment with the closest specifically disclosed example in the cited references (in this case Oi) and demonstrating that the claimed embodiment provides unexpected results.

While the most relevant embodiment disclosed in Oi (the primary reference) is an unmodified "ethylene-vinylcyclohexane copolymer" (Office Action, page 3, lines 12-13). The unmodified copolymer does not have a polar group so the copolymer is insufficient in its adhesiveness, coating property, and printing property with an inorganic material or a metal.

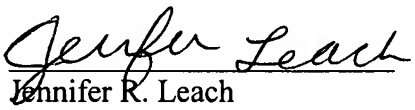
In view of the foregoing, Applicants submit that claim 1 and claims 2-3 and 5, which depend therefrom, would not have been obvious based on Oi and Rodriguez. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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